IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

CRL.A.No. 609 of 2002(A)

S.T.NO.58/1998 OF THE ADDL.CHIEF JUDICIAL MAGISTRATE, THIRUVANANTHAPURAM

APPELLANT: COMPLAINANT:

S.NATARAJAN, S/O. SATHYANESAN,
STAR BHAVAN, SANTHI NAGAR, SREEKARIYAM,TRIVANDRUM.

BY ADV. SRI.P.S.RAMESH KUMAR

RESPONDENTS: ACCUSED:

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1. N.DEVARAJAN, S/O. NARAYANAN,
T.C.43/992, PARUTHIKUZHI, MANACAUD, TRIVANDRUM,
PROPRIETOR SOUTH WEST TRAVEL AND TRADE LINKS,
T.C.NO.27/274,METTUKADA JUNCTION, THYCAUD P.O.,
TRIVANDRUM.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.VELLAYANI ROBINSON
PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.609 of 2002(A)

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Dated this the 16th day of October, 2007

J U D G M E N T

The appellant is the complainant in S.T.No.58/1998 in the file of the Addl.Chief Judicial Magistrate, Thiruvananthapuram, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 19/11/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.A.No.609 of 2002(A)

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J U D G M E N T

16th October, 2007